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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Situation of human rights in the Sudan

Report of the Special Rapporteur, Mr. Gáspár Bíró, submitted in accordance with Commission on Human Rights resolution 1994/79

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Introduction

1. The present report is the second report submitted by the Special Rapporteur to the Commission on Human Rights (see also E/CN.4/1994/48) and the fourth report overall by the Special Rapporteur, including interim reports submitted to the General Assembly at its forty-eighth session in 1993 (A/48/601) and forty-ninth session in 1994 (A/49/539).

2. The present report constitutes further substantive reporting on the situation of human rights in the Sudan and is to be read in conjunction with the Special Rapporteur's interim report, submitted to the General Assembly in October 1994 (A/49/539). To this end, the Special Rapporteur has requested the secretariat to make copies of his interim report available to the Commission on Human Rights at its fifty-first session.

3. Notwithstanding the availability of the interim report, the Special Rapporteur wishes to recapitulate the subjects addressed therein. Aside from providing an updated description of his mandate and details of the activities undertaken by the Special Rapporteur in the past year, the interim report addressed the following reported human rights violations: (i) in northern Sudan, reports of extrajudicial executions and summary executions, enforced or involuntary disappearances, torture and other cruel, inhuman or degrading treatment, arbitrary arrest and detention, and infringements of the due process of law; and (ii) in the context of the war in southern Sudan, reports of indiscriminate bombardments of civilian targets, including camps for displaced persons, atrocities against civilians committed by all parties to the conflict, the situation of unaccompanied minors, incidents concerning the distribution of relief aid, the problem of land-mines, and the question of the return of southerners to their places of origin. On the basis of the information contained in his interim report, the Special Rapporteur drew conclusions and offered recommendations which, supported by information received subsequently and contained in chapter I below, are reiterated and supplemented in the present report.

4. With regard to the legal framework within which the Special Rapporteur has carried out his mandate, considered information concerning allegations of human rights violations and assessed the compliance of the Sudan with its international obligations, the Special Rapporteur has identified obligations arising under both international human rights law and international humanitarian law. These obligations have been described most recently by the Special Rapporteur in his interim report to the General Assembly (A/49/539, paras. 14-19).

5. Following its debate on the situation of human rights in the Sudan, the General Assembly adopted resolution 49/198 on 23 December 1994, of which the Special Rapporteur has taken note.

6. The present report to the Commission on Human Rights was finalized by the Special Rapporteur in Geneva on 16 December 1994.

I. REPORTED HUMAN RIGHTS VIOLATIONS

A. Northern Sudan

7. As already noted above, the Special Rapporteur addressed in detail in his interim report allegations concerning extrajudicial killings and summary executions, enforced and involuntary disappearances, torture and other cruel, inhuman or degrading treatment, arbitrary arrest and detention, and the lack of due process of law (A/49/539, paras. 20-34).

1. Provisions of penal legislation inconsistent with international norms

8. The Special Rapporteur did not receive any communication concerning any initiative on the part of the Government to bring into accordance with international law parts of the Sudanese legislation considered previously by the Special Rapporteur to be inconsistent with the relevant provisions of international instruments to which the Sudan is a party. Three main components of Sudanese legislation have been mentioned in this respect: (i) 11 articles of the 1991 Criminal Act; (ii) legislative provisions on the situation of children; and (iii) legal norms relating to the civil status of women.

9. It should be recalled in this respect that, inter alia in its resolution 1994/79 of 9 March 1994 entitled "Situation of human rights in the Sudan", the Commission on Human Rights again called upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with the instruments to which the Sudan was a party. Moreover, the Commission called upon the Sudan to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in the relevant instruments.

2. Slavery, servitude, the slave trade, forced labour and similar institutions and practices

10. Article 1 of the 1926 Slavery Convention states:

> "For the purpose of the present Convention, the following definitions are agreed upon:
>
> (1) Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.
>
> (2) The slave trade includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a slave acquired with a view to being sold or exchanged, and, in general, every act of trade or transport in slaves."

Article 1 of the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery states inter alia that:

> "Each of the States Parties to this Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in article 1 of the Slavery Convention signed at Geneva on 25 September 1926:
>
> ...
>
> (b) Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status;
>
> ...
>
> (d) Any institution or practice whereby a child or young person under the age of 18 years, is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with view to the exploitation of the child or young person or of his labour."

Article 7 (c) of the same document states:

> "Slave trade means and includes all acts involved in the capture, acquisition or disposal of a person with intent to reduce him to slavery; all acts involved in the acquisition of a slave with a view to selling or exchanging him; all acts of disposal by sale or exchange of a person acquired with a view to being sold or exchanged; and, in general, every act of trade or transport in slaves by whatever means or conveyance."

The Sudanese Criminal Act of 1991 defines as crimes: abduction (art. 161), kidnapping (art. 162), forced labour (art. 163), unlawful confinement (art. 164) and unlawful detention (art. 165).

11. The citation of the above provisions is necessary because the Government of the Sudan has rejected out of hand any reference to these matters and practices as something "non-existent" in the Sudan. The situations described in the previous report of the Special Rapporteur to the Commission on Human Rights (E/CN.4/1994/48, paras. 63-65 and 86-108) and the cases of abduction, sale or traffic of children contained in the present report require the Special Rapporteur to state again that the phenomena of slavery and practices assimilated to slavery - as defined in the above-quoted instruments to which the Sudan is a party - do exist in the Sudan. The Special Rapporteur, therefore, is extremely disturbed by the total lack of interest shown so far by the competent Sudanese authorities with regard to investigating the cases brought to their knowledge over the past several years - not only through the

reports of the Special Rapporteur, but through reports emanating from a wide range of international non-governmental organizations dealing with this issue.

3. Freedom of conscience

12. Abuses and violations of the freedom of conscience were described at some length in the Special Rapporteur's previous report to the Commission on Human Rights (E/CN.4/1994/48, paras. 66-80). Since submitting that report, the Special Rapporteur has not become aware of a single case therein described having been investigated by the competent Sudanese authorities. On the basis of all reports received by the Special Rapporteur, as well as the information gathered by him in the form of testimonies during the period December 1993 - November 1994, the Special Rapporteur must state with deep regret that the situation described in his 1994 report to the Commission has not changed. In the period under consideration, not only has the situation of Christians and holders of traditional African beliefs remained particularly difficult throughout the Sudan, but members of these communities as well as members of traditional Sudanese Islamic orders have been subjected to repeated harassment by Sudanese security forces, as described in the Special Rapporteur's interim report (A/49/539, para. 30).

13. During the summer of 1994, reports were received from various independent sources that the provisions concerning the crime of apostasy of article 126 of the Criminal Act of 1991 were being implemented in practice. On 18 July 1994 a court in Wad Medani reportedly sentenced two citizens to be lashed and crucified for apostasy. Abdallah Yousif (aged 65 years) was said to have received four lashes before collapsing, while Mahamma Muhammed (aged 43 years) was reportedly given the full 100 lashes prescribed by the court. The Government reportedly issued a stay of execution order on the act of crucifixion. It was further reported that the two individuals convicted, as well as their clan of at least 100 persons, had converted publicly to Christianity in the early 1970s.

14. Salvatore Ali Ahmed, a former army officer, was reportedly also sentenced to death, in April 1994, but the sentence was not executed. After the Minister of Justice and Attorney General were informed, Ali Ahmed was released and reportedly left the country. The Special Rapporteur considers that this case shows that the excesses of the local authorities were successfully tempered by the central Government, which he welcomes. However, it is to be noted that, according to church sources, since 1992 more than 200 cases of conversion to Christianity have been registered in northern Sudan. Taking into account the law in force and the prevailing circumstances, it appears that all these individuals are potentially subject to the death penalty for the crime of apostasy, as prescribed in article 126 of the Criminal Act of 1991.

15. On a related matter, the Special Rapporteur observed that the Second Inter-Religious Dialogue Conference took place from 8 to 10 October 1994 at Khartoum. According to a November 1994 edition of the Government of the Sudan-controlled newspaper, Sudanow:

> "In an address to the final session of the Conference on 10 October, President Al-Bashir abrogated the 1962 Missionary Act, which

had restricted Christian activities in some parts of the Sudan, and pledged all possible assistance for the Association for Inter-Religious Dialogue, which will seek to promote religious harmony, peaceful coexistence, freedom of worship and justice among the country's various religions."

The abrogation of the 1962 Missionary Act is welcomed. However, the Special Rapporteur notes that, according to independent observers, new legislation is being considered at Khartoum with a view to replacing the Missionary Act of 1962.

4. Freedom of expression, association and peaceful assembly

16. Political parties, independent trade unions and a great variety of civil associations uniting different professions or categories of citizens remained banned between December 1993 and November 1994. At the time of the completion of this report, an independent press did not exist in the Sudan. The media is fully controlled by the Government of the Sudan.

17. Since June 1989, attempts by students to create their own independent associations and unions, as well as peaceful protests on campuses inside or outside Khartoum against the policy of the Government of the Sudan in the field of education have been immediately and severely put down by the Government's security forces. High school and university students were arrested, as described by the Special Rapporteur in his interim report (A/49/539, para. 34), and tortured in places of custody run by the security organs or in secret detention centres, the so-called "ghost houses".

18. Academic freedom has been continuously violated since 1989. Traditionally, universities were autonomous and independently run institutions in the Sudan. However, during the past few years serious abuses have taken place on instructions from the state authorities, for example, the closure of Khartoum University several times in 1991 and 1992, after security forces had occupied the campus to end peaceful demonstrations by students. During the clashes with these forces in 1991, two students (Ms. Al-Taya Ahmed Abu Aglia and Salim Mohammed Abubaker) were killed, and many others were injured by the security forces. The situation continued tense after 1992. Many prominent Sudanese scholars were either reduced to silence or forced to emigrate. The introduction of Arabic as the only language of instruction also caused serious problems; it is to be noted that this measure was not followed up by the provision of an adequate supply of Arabic text books.

19. The independence of the judiciary is completely disregarded by the state authorities. According to testimonies given to the Special Rapporteur in 1994 by professionals working in the judiciary, administrative decisions cannot be challenged. Judges are dismissed and appointed for political reasons. It should also be mentioned in this connection that, according to independent sources, since June 1989 almost 7,000 civil servants have been dismissed or placed on pension, including highly trained and experienced judges.

20. A new reported case of interference with the judiciary is the temporary arrest, interrogation and search of the offices, including confidential documents, of two well-known Khartoum lawyers, Mustafa Abdel Gadir and

Ali Mahamoud Hassanian. On 2 December 1994, security forces conducted searches at their residences. The searches were carried out without a warrant. On 3 December, upon being summoned to the security offices, the two lawyers were reportedly made to stand against a wall with their hands up and were interrogated for several hours. During the interrogation they were verbally harassed and were ill-treated. Upon their release at 6 a.m., Mr. Gadir and Mr. Hassanian were ordered to return to the security offices the following day. It should be mentioned that both jurists were defending lawyers in the case concerning torture and other cruel, inhuman or degrading treatment described by the Special Rapporteur in his interim report (A/49/539, para. 26).

5. The rights of the child

(a) In general

21. In his previous report to the Commission on Human Rights (E/CN.4/1994/48, paras 86-101), the Special Rapporteur paid considerable attention to violations and abuses against children in the Sudan. He noted that in the north of the country most of these violations and abuses are taking place with the knowledge of the competent organs of the Government of the Sudan or are even initiated and directed by these organs. In the south, all parties to the conflict are to be held responsible in this respect.

22. Unfortunately, the situation described in the previous report and the conclusions drawn thereon have to be amended, on the basis of detailed reports and information newly received from a variety of sources that the situation of children in the Sudan, especially those living or working in the street, has become worse during the period December 1993-November 1994.

23. The Special Rapporteur wishes to emphasize again that the provisions of article 3.1 of the 1989 Convention on the Rights of the Child are not respected by agents or organizations acting under governmental authority. Article 3.1 states: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be the primary consideration". In addition, provisions of the Convention concerning the principle of non-discrimination (art. 2), the right of the child to an identity (arts. 8 and 30), the prohibition of separation from the family against the will of the child (art. 9.1) and the right to liberty (arts. 37 and 40), as well as provisions which require the State to provide the necessary safeguards to protect the rights of the child (such as arts. 12.2, 19 and 20), are infringed. The concerns expressed in relation to articles 35, 38 and 39 of the Convention, dealing with the abduction, sale of or traffic in children, and the situation of children in armed conflicts, have proved to be well founded. Children of displaced persons in the north and those living in conflict zones in central and southern Sudan continue to be the most exposed to abuses and violations. The majority of these children belong to ethnic, racial and religious minorities. The reports received, together with the corroborative information gathered by the Special Rapporteur from witnesses, led to the conclusion that the Government of the Sudan not only closes its eyes to these practices, but in most of the cases is directly involved in violations and abuses concerning children.

24. The Special Rapporteur's previous estimate that the number of children living in insecurity in conflict zones, in danger of being abducted, or suffering lasting psychological trauma, separated from their families or living in inappropriate conditions throughout the country could be in the hundreds of thousands (E/CN.4/1994/48, para. 87) was realistic. As mentioned in paragraph 62 of his interim report to the General Assembly (A/49/539), according to United Nations Children's Fund (UNICEF) data the number of children affected by the war in southern Sudan alone is at least 500,000.

25. In a communication to the Special Rapporteur dated 28 December 1993, the Ministry of Justice included a copy of the final report and recommendations of the Seminar on the Rights of the Child, organized by the Higher Council for Child Welfare in collaboration with UNICEF (Khartoum, 18-20 December 1993). This report recommended, inter alia, that "the legislation pertaining to children should be reviewed, adapted and modernized in order to ensure its ability to achieve the aims laid down in the Convention on the Rights of the Child". The question of children living or working in the street was not addressed as such, the report mentioning only that "educative programmes should be introduced with a view to curbing juvenile delinquency". The Ministry of Social Planning continues to have a particular role in the implementation of various programmes referred to in the final report of the Seminar. However, the Special Rapporteur has received no information concerning any amendment of the national legislation concerning the rights of the child.

(b) Children living or working in the street

26. Reports concerning the round-up of children from the streets of Khartoum and other major towns of northern Sudan were received continuously. The Special Rapporteur's previous findings that these children are transported to special camps - the existence of which is not disclosed in many cases - and are subjected to religious conversion and ideological indoctrination were again confirmed. The victims are mainly children of displaced families from the south and the Nuba Mountains area; they are usually Christians or hold traditional African beliefs. The information received confirms again the practice of changing the names of these children to Arabic names.

27. The Government of the Sudan admitted previously (see E/CN.4/1994/48, paras. 92-94) that camps for children are to be found in Khartoum (Soba and Dar Bacha'er in Omdurman), Kousty, Geneina, Abu Dom, Fau and Durdib. The Special Rapporteur notes that according to independent sources there might be at least six other camps which are being kept secret by the authorities.

28. The Special Rapporteur received detailed reports (including the names of victims and witnesses who gave testimony about their experiences) from reliable sources concerning the situation in 1994 in the following camps for children:

(i) Abu Diajana and Ebeid Katim in Dar Bacha'er, Soba area;

(ii) Abu Rakam in eastern Sudan, about 52 km from the agricultural town of El Fau, and almost 212 km from Khartoum;

(iii) Durdib, between Kassala and Port Sudan;

(iv) Faruk 2 Fau 2, about 32 km from El Fau town outside the Rahad Agricultural Project area;

(v) Faruk 2 for martyrs (Mujahideen) in Wad Medani.

29. The procedure of rounding up children every three months was described in the Special Rapporteur's previous report in the paragraphs cited in paragraph 27 above. It should be mentioned again that, although the camp registers contain data regarding name, age, tribe (ethnic affiliation) and religion, all inmates of these camps are officially called "abna'a al Sudan", (children of the Sudan) - words which are written in bold letters in red ink on a shirt across their chests. It is also to be recalled that, upon arrival, children have their heads shaved.

30. The Minister of Justice and Attorney General explained in December 1993 to the Special Rapporteur that these children receive vocational training in the camps. Based upon his own findings and reports from reliable sources, the Special Rapporteur notes, however, that the training in the camps mentioned is in fact as follows: there is no education timetable except for five daily Islamic prayers starting at 4 a.m. and continuing at intervals until the night. Each time children are required to perform the Talawa Qurania (the special reading of the Koran), they are required to do so in a loud voice and to have learned the Koranic verses by heart. The physical exercises required to be performed are the same as those of the military. During this training the idea of martyrdom for the State is given central importance by the instructors.

31. Attempts to escape are severely punished. In most of the reported cases, the child after being caught is made to crawl upon the ground naked until he is exhausted with abrasions all over his body. After this, 40 to 60 lashes are applied to the child's back: the child is raised from the ground by four people, face down, the lashes being administered vigorously from the back to the legs and not concentrated at the buttocks as in most cases of lashes performed under regular courts.

32. The official position is that only vagrant children whose parents' whereabouts are not known are collected and taken to the camps. In a few cases relatives have managed to trace their children when the authorities of the camps have given children leave of 15 days. This is reportedly one way boys traced by their parents are released. Testimony provided to the Special Rapporteur by a 13-year-old Dinka boy from Aweil, whose name had been changed to an Arabic one, described what happened to him:

> "My father was admitted to a hospital in Khartoum in 1992. My mother and sister were with him in the hospital. My mother gave me some money to go and buy tomatoes. When I reached Khartoum market, somebody caught me and said 'this is one of them'. I tried to explain myself but nobody listened to me. I showed them the money which was given to me, but all was in vain. Lastly, I was put in a police truck with many other black boys. We spent seven days here in Khartoum and were finally taken out and found ourselves in a place we found out later to be Fau. We were

> beaten a lot in Khartoum. I experienced the same torture at the camp, especially when one day I was caught attempting to escape. I cannot really express how badly we are treated in the camp. At 4 a.m. we are woken up and forced to go and pray. After prayers, there are the Talawa readings of the Koran. We have to go on a military march every day. If someone makes a mistake he is beaten and the rest are punished with him. When my mother's sister managed to get to the camp, I was not going to come back again. All the children there wanted to go away."

It is to be recalled that the existence of Fau camp was admitted to the Special Rapporteur in December 1993 by the authorities concerned in Khartoum, as well as the fact that they were aware that many children in that camp had parents who were alive, some of whom even paid regular visits to the camp. It was emphasized to the Special Rapporteur at the time that many parents had asked the authorities to take their children and keep them at the camp.

33. The Sudanese authorities concerned are fully aware of the situation described above. All the camps are now reportedly administered by the Ministry of Social Planning through social workers and teachers, as well as military instructors of the Popular Defence Forces (PDF) and policemen from the People's Police Forces (PPF) who reportedly are equipped with firearms.

34. On 23 August 1994, the British television company, Independent Television News (ITN) on Channel Four broadcast in the United Kingdom a report on a Koranic school in Khartoum. Viewers saw, for instance, a child walking around a courtyard chained with leg irons carrying out a punishment. The director of the school declared that beating was necessary to put an end to the children playing, because, he said, play was not good and had to be stopped. An official of the Ministry of Social Planning defended these practices and said that he did not regard the beatings or the chainings as harsh. The children shown were mostly from southern and western Sudan.

(c) Abduction of children

35. After the Special Rapporteur's visit to the Sudan in December 1993, reports on the abduction of children in the Nuba Mountains area and southern Sudan were continuously received. As described in his previous report (E/CN.4/1994/48, para. 95), in some cases parents or relatives get back their children after long and difficult procedures with the authorities, including the Office of the Attorney General. However, in most cases children disappear from their families forever.

36. In August 1994, for example, the Special Rapporteur received an eyewitness testimony concerning the kidnapping of four boys (one aged nine, the others seven, from the village of Abri, in the Nuba Mountains area, in November 1992. A group of 11 armed men riding camels had taken away the boys during the daytime from a fountain situated outside the village. The eyewitness said that he and the father of one of the boys tried to follow the group. However, when the other man was shot to death, the witness gave up the chase. The parents later found out that the boys had been taken to Brambeta, but the local authorities, when contacted, refused to intervene. It was reported that three of the children were finally taken to Khartoum, while the

fourth was still in Brambeta at the end of 1992. The eyewitness said that similar cases were known to local people from Lagawa and Delami.

37. In the view of the Special Rapporteur, the essentially passive attitude of the Government of the Sudan in the face of such cases is unacceptable. It is beyond any doubt now that the authorities are aware of these practices. As a signatory of the Convention on the Rights of the Child, the Government of the Sudan has the obligation to pursue an active policy to provide to Sudanese children, regardless of ethnic, racial or religious affiliation, conditions in which the "best interests of the child" are the primary consideration, in conformity with article 3.1 of the Convention. However, the facts reveal a situation in total contradiction with this obligation in many parts of the Sudan.

(d) The status of minors under the Criminal Act of 1991, with special regard to punishments under the law, including the death penalty

38. As mentioned in the chapter concerning provisions of penal legislation inconsistent with the international instruments to which the Sudan is a party, the Special Rapporteur is not aware of any change in this regard. According to article 27 (2) of the Criminal Act of 1991, it is still possible to pass a death sentence on a minor under 18 years in certain cases prescribed by the same Act.

(e) Sale or traffic of children

39. The Special Rapporteur is not aware either of any action taken by the Government of the Sudan to investigate the cases of sale of or traffic in children brought to its knowledge not only through the previous reports of the Special Rapporteur, but also by various international non-governmental organizations monitoring the situation of human rights in the Sudan or, indeed, by individual Sudanese citizens. It is to be reiterated that the passivity of the Government of the Sudan in this regard is also unacceptable, taking into account the obligations of Sudan under international law.

(f) The right of the child to an identity and education

40. As described above (paras. 26 and 32), the practice of forcibly changing the names of children taken to special camps continued unabated in 1994. The same applies to abducted children or those subjected to sale or traffic.

41. At the same time, the Special Rapporteur is aware of no information to the effect that the Ministry of Education would have reviewed the practice of obliging parents whose children were educated in English to sign an undertaking not to claim for the child the right to sit for an examination provided by the Ministry of Education in the Sudan (see E/CN.4/1994/48, para. 100).

(g) Children in the conflict zones

42. This issue has been addressed in detail by the Special Rapporteur in his interim report to the General Assembly (A/49/539, paras. 62-68).

6. The rights of women

43. The Special Rapporteur received no information on any amendments concerning the legal status of women in the Sudan as analysed in his previous report to the Commission (E/CN.4/1994/48, paras. 102-108). Consequently, the Special Rapporteur reiterates his earlier conclusion that the differentiation between men and women in matters relating to civil capacity, such as the ability to bear witness of full value, infringes the equality of men and women, a basic principle of the Charter of the United Nations (E/CN.4/1994/48, para 104). The Special Rapporteur is not aware of any preparatory act which would indicate that the Sudan is willing to accede to the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, as was recommended in his previous report (E/CN.4/1994/48, para. 133 (a)). On the contrary, all reports received indicate that the intensifying activity of the People's Police Forces (PPF) is having a negative impact mainly on displaced southern women living in, or in camps around, Khartoum, and it appears that the harassment of all women "improperly dressed or not behaving themselves decently" is increasing in parallel.

44. The number of women convicted in Khartoum for brewing local liquors or having such liquors in their possession is still very high. According to independent sources, between December 1993 and November 1994 the proportion of female prisoners from southern and western Sudan in Khartoum was 95.17 per cent, of whom 88.3 per cent were sentenced under section 79 of the Criminal Act (brewery), 3 per cent for offences related to sections 77 and 78 (bribery), and 2 per cent for prostitution (sections 154 and 155 of the Act). Out of this proportion, about 67 per cent were married women, and 18 per cent widows. It is estimated that about 6,000 women go to prison annually. All information accessible to the Special Rapporteur, either in the form of very detailed reports following comprehensive research on the ground or testimony of women inmates in Omdurman prison during his previous visits to Khartoum in 1993, or from individuals who had direct information on this issue, agree that the basic principles of the rule of law in these penal procedures are ignored by the authorities. Members of the PPF and of the People's Committees (PC) organized in various neighbourhoods are given complete freedom to search houses at any time without a warrant, to arrest people and take them before the courts and to confiscate goods. The procedure before the court is a very summary one and consists mainly of registration of basic personal data and the pronouncement of the sentence, which is executed immediately. If a convicted person manages to lodge an appeal, it is usually heard only after the prison sentence has been served. A new development in 1994, reported to the Special Rapporteur by professionals working in the Sudanese judiciary, is that in many cases the house search, the arrest, the pronouncement of the sentence and the supervision of the execution are all carried out by the same persons. It was stated that in a number of such cases the appointed judge takes the initiative of conducting the house search and making the arrest himself.

45. As it was explained to the Special Rapporteur, this is a consequence of the practically unlimited powers granted to members of PPF and the People's Committees in the preservation of the "moral health" of the society. Article 5, chapter I, of Constitutional Decree No. 7/1993 concerning private and public life states as follows: "Public life comprises functions, responsibilities and endeavours which are performed by the armed, police and

security forces in defence of the nation and for the security of society. Public officials and professionals shall be entrusted with its management. Likewise private life has socio-economic functions, entrusted to officials working for society's welfare."

46. It could reasonably be asked why, in view of the severe penalties provided for in the legislation concerning the matter, women from southern and western Sudan do not cease their businesses of alcohol-brewing. The most important reasons are social and economic: women are the backbone of displaced families. The women prepare the food and, in most cases where the men are absent, earn the income to buy the food. For displaced women from the south, brewing alcohol is not a crime. It is also the only source of income, where there is demand for it on the open market and other forms of small business are more and more restricted by the authorities. It is not very hard to imagine what happens when women in this situation are sentenced to prison. Moreover, the Special Rapporteur must emphasize that the women, once involved in the penal procedure described above, are exposed to the most humiliating conditions and degrading treatment. The Special Rapporteur's two visits to the women's prison in Omdurman in 1993 corroborated the abundant reports from independent sources that women regularly face problems of rape in police custody, malnourishment, enforced conversion to Islam and all sorts of physical assault and harassment while in prison.

7. Freedom of movement and residence

47. There is no change reported concerning the arbitrary restrictions of freedom of movement placed on those who have been detained by the security forces (see E/CN.4/1994/48, para. 109). In addition, the previous findings concerning restrictions of the freedom of movement placed on political opponents, displaced persons and personnel of international humanitarian non-governmental organizations (i.e. arbitrariness in granting travel permits and clearances) must be reiterated.

48. During his visit to Cairo in August 1994, the Special Rapporteur received new complaints from Sudanese citizens living in Egypt that the Sudanese Embassy there retains the passports of those suspected of being opposed to the regime in Khartoum, when these documents are forwarded for renewal or with requests for visas. It should be emphasized again that in the current situation the retention of the passport equates to a de facto loss of citizenship.

B. Incidents concerning the distribution of relief in which all parties to the conflict bear responsibility and which constitute grave violations of international humanitarian law

49. The Special Rapporteur reported on these matters in his interim report to the General Assembly (A/49/539, paras. 69-73).

50. Operation Lifeline Sudan (OLS) reported on 6 December 1994 that in November 1994, according to non-governmental organizations working in the field, 19 children died of malnutrition in the Lafon area. In the first week of December 1994, 80 minors from this zone were admitted to the Lafon health

centre. The children's symptoms included dehydration, bloody diarrhoea and an enlarged spleen. Subsequent reports from Lafon confirmed that 75 of the minors admitted to the Lafon health centre were severely emaciated, malnourished and anaemic and about 50 per cent of them were suffering from diarrhoea. A non-governmental organization worker estimated that 60 minors were at immediate risk of dying.

51. On the issue of land-mines, the International Federation of Red Cross and Red Crescent societies mentioned in its World Disasters Report of September 1994 that between 500,000 and 2 million land-mines have been laid in the Sudan, mostly in the south. Areas around the towns of Juba, Wau, Bor and Kapoeta were mentioned as having been mined by all parties to the conflict and, it was reported, "mines continue to be laid at a rapid rate". Access to wells and arable lands has reportedly also been mined, as have major roads, severely affecting the transport of relief to people in need, thus threatening them with starvation.

C. Specific questions reported to the Special Rapporteur which are to be considered as alarming with regard to the violation of the human rights of the persons involved

1. Reports on the forced removal of Nuban displaced persons from certain camps of Kordofan

52. During his mission to the Sudan in August 1994, the Special Rapporteur received alarming information in the form of eyewitness testimony concerning the closure of several camps for displaced persons, commonly known as "peace villages", in Kordofan State (see his report contained in document A/48/601 of 18 November 1993). An eyewitness told the Special Rapporteur that scores of Nubans, including the eyewitness' relatives, were forcibly transferred in 1993 from Al-Nuhud camp for displaced persons to sites situated approximately 10 and 2 km, respectively, from Port Sudan in eastern Sudan. The witness, who had traced his relatives and lived with them between October 1993 and April 1994, said the names of the sites were Al-Ingaz and Walie; about 3,000 Nubans were living at the first site, 10 km from Port Sudan, while 2,000 Nubans were at the second site. One water source served the two sites. No health or educational services were provided. The area is known as having a very harsh climate. The witness told the Special Rapporteur that upon arrival the Nubans put up shelters with cardboard roofs and "walls from their own clothes". The population of these places was comprised mainly of Muslim women, most of them widows with many children, and some elderly persons. There were no non-governmental organizations working at the time in these places. Children, including girls, aged 10 to 15 were obliged to participate every day between 4 p.m. and 8 p.m. in military training exercises in the compound of a PDF camp, situated 0.5 km from the Al-Ingaz camp. The children did not carry out training with guns, the witness said.

53. The witness could not give any reasonable explanation for the removal of Nubans from southern Kordofan to eastern Sudan, an area which is completely unfamiliar to them and situated thousands of miles from their homeland. It is to be noted that in camps in northern Uganda the Special Rapporteur was told by both non-governmental organization personnel and local people that one of

the main causes of the high mortality rates of children and the elderly was simply the sudden decrease of the body's natural immunity as a consequence of being placed in a different environment.

2. Reports regarding the situation of members of the Rashaida and Beja tribes in eastern Sudan

54. During his mission to the Sudan in 1994, the Special Rapporteur received testimony concerning the discriminatory policy of the Government towards tribes living in eastern Sudan, namely the Rashaida and the Beja. It was reported to the Special Rapporteur that members of both tribes were being subjected to various abuses and violations of their human rights, ranging from the arbitrary arrest of leaders and confiscation of property, to the denial of the relief and health-care services commonly enjoyed by all Sudanese citizens living in the north. It was explained to the Special Rapporteur that, while the motivation for discrimination against the Beja tribe is mainly political (since they are part of the traditional constituency of the banned Democratic Unionist Party (DUP)), in the case of the Rashaida tribe the "problem" stems from their traditionally very close communitarian way of life, which makes it almost impossible to attain efficient political control over their communities.

55. The Special Rapporteur considers it important to draw attention to these issues because all independent sources consulted reported an increase in the discriminatory policies of the Government of the Sudan in this regard.

II. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

56. Since the renewal of his mandate by the Commission on Human Rights in March 1994, the Special Rapporteur has received information and reports about the violation of the whole range of universally recognized human rights in the Sudan. The Special Rapporteur has had no access to the Sudan during this period, for reasons never adequately explained by the Government of Sudan. As explained above, the Special Rapporteur has received no response to his letter dated 1 August 1994 addressed to the Permanent Mission of the Sudan to the Office of the United Nations at Geneva requesting permission to visit the Sudan.

57. The Special Rapporteur carried out a mission to Kenya, Uganda and Egypt in order to meet representatives of United Nations agencies, international non-governmental organizations and Sudanese organizations operating in these countries, as well as individuals, principally Sudanese refugees, and to receive testimonies about the current situation of human rights in the Sudan. These testimonies were corroborated by information received from independent sources and are the basis for the descriptions contained in the present report.

58. On the basis of all information received, the Special Rapporteur concludes, as he did in the reports he submitted previously to the General Assembly and the Commission on Human Rights, that grave and widespread violations of human rights by government agents, as well as abuses by members

of different SPLA factions in zones controlled by them, continue to take place, including extrajudicial killings, systematic torture and widespread arbitrary arrests of suspected political opponents. Women and children continue to be among the most vulnerable groups targeted deliberately by agents acting for and in the name of the Government of Sudan. The situation of children and women was considered by the Special Rapporteur to be so alarming that he dedicated considerable space to this in the report to the Commission on Human Rights. According to numerous reports, the situation of students has deteriorated during the past year, with more and more of them becoming the victims of repression by the security and police forces.

59. The Special Rapporteur wishes to emphasize again that, according to the information available to him, almost all aspects of life and all categories and strata of the population are affected by violations of human rights committed by agents of the Government or by abuses against the life, security and freedom of the individual committed by all parties to the armed conflict in the South. On 15 October 1994 in Omdurman, scores of settlers protesting a new campaign of destruction of houses by bulldozers and the forced resettlement of squatters by the authorities were dispersed by force by the Sudanese security forces. These forces shot indiscriminately into the unarmed crowd, which included women and children, leaving 5 squatters dead and seriously injuring more than 25 others.

60. The Special Rapporteur is very disappointed that he cannot report any improvement of the situation of human rights in the Sudan; on the contrary, all the facts demonstrate that in specific zones of southern Sudan, such as Bahr Al-Ghazal or certain areas in Western and Eastern Equatoria, the situation has deteriorated owing to intensified and regular bombardment of civilian targets by the Government of Sudan.

61. In the light of the above, the Special Rapporteur concludes that the seriousness of the human rights situation in the Sudan calls for continuing and intensified monitoring. The situation is exceptionally grave in the conflict zones, where gross violations of the human rights of the civilian population are being committed on a daily basis by all parties to the conflict. The Special Rapporteur considers in this regard that closer monitoring should be imposed. The effectiveness of such monitoring would be significantly increased if rapid publicity from an impartial source were to be guaranteed. Therefore, the Special Rapporteur suggests to the Commission on Human Rights that he be authorized to begin consultations with the Secretary-General on modalities leading to the placement of monitors in such locations as would facilitate improved information flow and assessment and would help the independent verification of reports on the situation of human rights in the Sudan. In addition, the Special Rapporteur recommends that the Commission urge all parties to the conflict to begin negotiations on the enlargement of the existing tranquillity corridors in order to decrease the flow of Sudanese refugees to neighbouring countries.

62. It must be noted again that representatives of SPLA-Torit (Mainstream) and SPLA-Nasir (United) 1/ who met the Special Rapporteur during his last mission admitted the existence of most of the abuses reportedly committed by some of their members and have shown a commitment to investigate these cases and generally to improve the situation. The Special Rapporteur has arrived at the conclusion that a constant and direct monitoring of the situation could have a beneficial effect on the lives of the civilian population.

B. Recommendations

63. In the light of the above conclusions, the Special Rapporteur recommends that:

(a) The Government of the Sudan abide by its human rights obligations under international law and take steps to give effect to the recommendations made by the General Assembly and by the Commission on Human Rights in resolutions on the situation of human rights in the Sudan. The Special Rapporteur recalls in this respect Commission on Human Rights resolution 1994/79 of 9 March, in which, inter alia, the Commission called upon the Government to comply with applicable international human rights instruments and to bring its national legislation into accordance with the instruments to which the Sudan was a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

(b) The Government cease immediately the deliberate and indiscriminate aerial bombardment of civilian targets;

(c) The Government ratify the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, accede to the Convention on the Elimination of All Forms of Discrimination Against Women, and sign the First Optional Protocol to the International Covenant on Civil and Political Rights and the Second Protocol to the Geneva Conventions;

(d) The Government ensure that its security forces, army, police forces, Popular Defence Forces and other paramilitary or civil defence groups be properly trained and act in compliance with the standards set forth under international law, and that those responsible for violations be brought to justice. In this connection, the Special Rapporteur calls for a thorough investigation of all reported cases of violations, in particular those in which women and children are the victims. The Government should also revise its policy concerning children living or working in the street, clarify its legislation in this regard and make sure that the applicable laws are in full conformity with the Convention on the Rights of the Child. As a consequence, the Government should close down as soon as possible the camps for children;

1/ On 30 September 1994 Riek Machar's SPLA-United Faction announced that it had changed its name to "The Movement for the Independence of Southern Sudan" (SSIM) and was establishing an army called "The Army for Independence of Southern Sudan" (SSIA).

(e) The Government give free access to regional and international humanitarian and human rights organizations throughout the country, in particular in the Nuba Mountains and the towns of southern Sudan. The Special Rapporteur recommends to the Commission on Human Rights that he be authorized to begin consultations with the Secretary-General on modalities for the placement of monitors in such locations as would facilitate improved information flow and assessment and would help in the independent verification of reports on the situation of human rights in the Sudan;

(f) The Government carry out immediate investigations into previously reported human rights violations in the Nuba Mountains and other government controlled areas in southern Sudan. In this connection the Special Rapporteur calls for a thorough investigation of the reported cases of abduction of women and children, slavery, servitude, slave traffic, forced labour and other similar institutions and practices.

(g) The Government and the other parties involved in the armed conflict in central and southern Sudan be urged to agree as soon as possible on a cease-fire and to intensify their efforts to come to a peaceful solution. The Special Rapporteur further calls upon all parties to the conflict to prevent violence by their agents against civilians, including torture, extrajudicial executions and other deliberate and arbitrary killings, and arbitrary detention. The Special Rapporteur calls upon all parties to apply strictly the agreements reached with Operation Lifeline Sudan regarding unimpeded delivery of relief to those in need. The Special Rapporteur further recommends to the Commission on Human Rights that it urge all parties to the conflict to begin negotiations on the enlargement of the existing tranquillity corridors in order to decrease the flow of Sudanese refugees to neighbouring countries.

(h) The Government address the problem of displacement and create the appropriate conditions for displaced persons and Sudanese refugees in neighbouring countries to return to their homelands.